

## ADMINISTRATIVE SERVICES DEPARTMENT[11]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services (DAS) proposes to amend Chapter 50, “Human Resources Definitions,” Iowa Administrative Code.

The Department of Administrative Services is undertaking a comprehensive review of all existing DAS rules. Upon identification of the objection to rule 11—50.1(8A), DAS undertook an effort to address the objection filed by the Administrative Rules Review Committee in 1986.

Interested persons may make written comments on the proposed amendment until 4:30 p.m. on September 25, 2012. Comments should be directed to Caleb Hunter, Department of Administrative Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-6140 or by e-mail to [Caleb.Hunter@iowa.gov](mailto:Caleb.Hunter@iowa.gov).

A public hearing will be held on September 25, 2012, from 9 to 10 a.m. in Room 7, A Level, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Administrative Services of their specific needs by calling (515)281-3351.

The Department of Administrative Services does not intend to grant waivers under the provisions of this rule, other than as may be allowed under the Department’s general rules concerning waivers.

After analysis and review of this rule making, no impact on private sector jobs has been found.

This amendment is intended to implement Iowa Code chapter 8A.

The following amendment is proposed.

Amend rule **11—50.1(8A)**, definition of “Confidential employee” for purposes of merit system coverage, as follows:

*“Confidential employee”* means, for purposes of merit system coverage, the personal secretary of: an elected official of the executive branch or a person appointed to fill a vacancy in an elective office, the chair of a full-time board or commission, or the director of a state agency; as well as the nonprofessional staff in the office of the auditor of state, and the nonprofessional staff in the department of justice except those reporting to the administrator of the consumer advocate division. “Confidential employee” also means an employee who is in a confidential relationship with a director, chief deputy administrative officer, a division administrator, or a similar position, and at the same time is a part of the management team, legal team, or both of said director, chief deputy administrative officer, a division administrator, or similar position. For purposes of this rule, a confidential relationship means a relationship in which one person has a duty to the other not to disclose information.